


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES


Appellant : Jurgan Beil
Serial No. : 09/918,074
Filed : July 30, 2001
For : FISH-LURING AROMATIC AND ENTICING ARTICLE BASED ON
POROUS, THERMOPLASTIC PLASTIC
Examiner : Hayes, Bret C.
Art Unit : 3644
Attorney
Docket No. : 534P008

-REPLY BRIEF-

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Signature: Kevin S. Lemack
Date: July 16, 2003

Respectfully submitted,


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Alexandria, VA 22313-1450
Sir:

REPLY BRIEF

The Appellants hereby submit this reply brief, in triplicate, in support of the Appellants' appeal from the decision of the Examiner dated December 13, 2002 rejecting claims 1-18.

ARGUMENT

In the Examiner's Answer, the Examiner states with respect to Reinhardt et al. that in the world of physics, an aqueous environment is interchangeable with a gaseous one, since both environments fall into the fluids category and as such the dynamics and physical laws involved are identical.

Appellants respectfully disagree.

While air consists mainly of non-polar gas molecules (substantially nitrogen and oxygen), water consists of polar molecules. This is of great importance with respect to organic substances, since it is for example easy for a non-polar organic substance to evaporate or vaporize in air, whereas the same substance is insoluble in water and accordingly cannot be dispensed into water. Further, it is a significant difference whether a substance is only dispensed in a fluid or if it is dissolved in a liquid such as water. The interactions between the molecules of the substance to be dispensed and the air molecules on the one hand and the water molecules on the other hand are not only of different quality but also of different intensity due to the different polarity of air molecules and water molecules, and also due to the significant difference in density which has an enormous impact on the diffusion behavior of substances dispensed in the fluid.

Accordingly, the desorption of substances from porous thermoplastic plastics is very different in air and in water, and the interactions of air and water with the desorbed substances is completely different due to the different physical and chemical properties of air and water. The skilled artisan would not be motivated to apply Reinhardt's invention involving releasing perfume into the air to treat microporous material for fish bait.

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